



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : R. Fischer et al.  
Serial No. : 10/559,703  
Filed : December 07, 2005  
For : N-Heterocyclylphenyl substituted cyclic ketoenols  
Group Art Unit : 1616  
Examiner : SULLIVAN, DANIELLE

**DECLARATION**

Dr. Olga Malsam hereby declares:

- that she is an agronomist having studied at the University of Bonn;
- that she received her doctor's degree in agriculture at the University of Bonn, Germany in 1999;
- that she entered the employ of Bayer in 1995;
- that she has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under her supervision and direction

## Insecticide examples of BCS 03-3014-

Example No. 1**Myzus persicae - test (MYZUPE)**

Solvent: 7 parts by weight of dimethylformamide

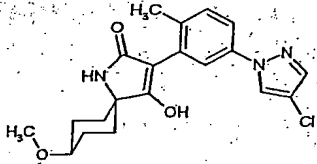
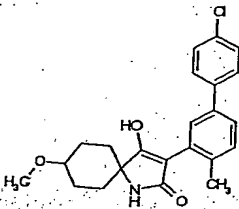
Emulsifier: 1 part by weight of alkylaryl polyglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Cabbage leaves (*Brassica oleracea*) which are heavily infested by aphids (*Myzus persicae*) are treated by being dipped into the preparation of the active compound of the desired concentration.

After the specified period of time, the mortality in % is determined. 100 % means that all aphids have been killed; 0 % means that none of the aphids have been killed.

In this test for example, the following compounds from the preparation examples showed good activity: see list

BCS 03-3014-IN		1. MYZUPE		
Compound	Structure	Exa. No.	ppm	% 6 d
according to invention		I-1-a-1	4	20
known from WO 89/48869		I-1-a-16	10	0

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

23. 10. 2008  
Date

Olga Malsam  
Dr. Olga Malsam